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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,847	02/04/2002	Ralph E. Bucknam	BA-22810	5161

178 7590 04/29/2003

BUCKNAM AND ARCHER
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EXAMINER

WELLS, NIKITA

ART UNIT PAPER NUMBER

2881

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,847

Applicant(s)

BUCKNAM, RALPH E.

Examiner

Nikita Wells

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments

1. The Applicant filed a "Reply to the First Office Action" received March 11, 2003, where the Applicant reiterated on various aspects of his theories and his disenchantment with Einstein's equation of conservation of energy.

The Examiner does not see any correlation between the theories as presented in the disclosure to the four claims of the application. Claims 1 and 3 abruptly mention a method and device using a substance from which decay energy is to be extracted, then stored, conditioned, and then applied for a useful purpose. Claims 2 and 4 disclose that the said substance is lodestone and the said energy is to be extracted by a magneto, stored in an electric battery, conditioned by a motor, and then used to propel a vehicle. The Applicant absolutely disregards the questions imposed by the Examiner with reference to the specific means of extracting, storing, conditioning, and applying the decaying energy in order to propel the vehicle.

Applicant's arguments with respect to the claims 1-4 have been fully considered but they were found not persuasive. Therefore, the rejection as presented in the First Office Action (see paper #7) stand firm and are repeated herewith:

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is

Art Unit: 2881

inoperative and therefore lacks utility. The invention is not supported by any concrete disclosure as to how the device is to generate useful energy using a non-combustible, non-radioactive substance which is exothermic or in some other way yields decay energy. The independent claims 1 and 3 simply disclose that this substance (which is disclosed to be lodestone in dependent claims 3 and 4) is mounted on a device adapted to operate over a predetermined time to extract such energy, and that a storage device is present to receive this extracted energy, and then to apply this stored energy for a useful purpose. What is the basic mechanism involved to generate the useful energy? What are the forces (atomic, nuclear, Casimir, Van der Waals, etc.) or fields (electric, magnetic, gravitational) that are present in order to generate the energy? What are the basic parameters of force, time, distance? If the device is to be operated by electromagnetic induction, what are the specifics of the design to transfer the electromagnetic forces into usable mechanical forces? How is the inherent potential energy trapped in the lodestones transformed into useful mechanical energy? How are the lodestones arranged? All the above have not been considered. All reference to energy obtained from electromagnetic induction repeats information that is well known in prior art, for example the conservation of energy as spelled out by Lenz's law: "An induced current can produce heat or do chemical or mechanical work. The energy must come from the work done in inducing the current. When induction is due to the motion of a magnet or a coil, work is done; therefore the motion must be resisted by a force. This opposing force comes from the action of the magnetic field of the induced current." (College Physics, Weber et al., McGraw-Hill, Inc.; New York, 1952, Page 523.)

4. Claims 1-4 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (703) 305-0416. The examiner can normally be reached 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (703) 308-4116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Application/Control Number: 10/066,847

Page 5

Art Unit: 2881

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Mr. Nikita Wells

Examiner

Art Unit 2881

Nikita Wells

April 21, 2003